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SUITE 2800
HOUSTON, TX 77010

In re Application of: CHEN, Yin, et al
U.S. Application No.: 10/574, 254
PCT No.: PCT/US2004/017331
International Filing Date: 03 June 2004
Priority Date: 03 June 2003
Atty Docket No.: 17242/003004
For: NUCLEOTIDES FOR PREVENTION
AND TREATMENT OF
BACTERIAL AND FUNGAL
PATHOLOGIES

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 30 March 2006 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3).

Applicant has submitted the small entity basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America. Based on the granting of the petition for revival, applicant's alternative petition to treat this submission as a filing under 35 U.S.C. 111(a) is dismissed as moot.

It is noted that the petition was accompanied by an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 50-0591 will be charged the \$65 small entity surcharge for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 30 March 2006.

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